

COMMISSION MEETING

11:00 A.M.

JUNE 21, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, June 21, 2023, with Mayor Brinkman presiding and Commissioners, Giefer, Harter, Sauder and Smith present. Also present were City Manager Cocking, Assistant City Manager Detter, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Hate speech, profanity, and defamation are not allowed. Please state your name and address prior to making comments.

No comments were made at this time.

Tagan Trahoon and members of the Emporia Pride Committee, were in attendance to accept a proclamation declaring the month of June, 2023 as "Pride Month" in Emporia. They stated Emporia cherishes the value and dignity of each person and appreciates the importance of equality and freedom. All are welcome in Emporia to live, work, and play, and every family, in any shape, deserves a place to call home where they are safe, happy and supported by friends and community. They stated Emporia appreciates the cultural, civic, and economic contributions of the LGBTQ+ community which strengthen our social welfare. They urged residents to recognize the contributions made by members of the LGBTQ+ community and to actively promote the principles of equality, liberty, and justice.

**CITY COMMISSION
(Board Appointments)**

Multi-Use Path Planning Board:

It was moved by Commissioner Giefer seconded by Commissioner Sauder that Diana Montalvo be appointed to the Multi-Use Path Planning Board for a term that expires on December 31, 2026. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**INDUSTRIAL REVENUE BONDS
(S & S Quality Meats, LLC)
(Authorize the Issuance of Taxable Industrial Revenue Bonds)
(Series 2023)
(Ordinance Number 23-19)**

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS (I) TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2023 (S&S QUALITY MEATS, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,812,800 AND (II) SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2023 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,757,393.01 FOR THE PURPOSES OF PURCHASING, ACQUIRING, CONSTRUCTING, FURNISHING, AND EQUIPPING A COMMERCIAL PROJECT, AND PAYING CERTAIN COSTS OF ISSUANCE THEREOF; AND AUTHORIZING EXECUTION OF BOND DOCUMENTS RELATING TO ISSUANCE, PAYMENT, AND PURCHASE OF THE SERIES 2023 BONDS, to which the City Clerk assigned Ordinance Number 23-19, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the City of Emporia approved an Incentive Compliance Agreement with S&S Quality Meats, LLC for the construction of the manufacturing facility on West Highway 50 in Emporia. The company has met the conditions of the Incentive Compliance Agreement and staff recommends approving the ordinance authorizing the issuance of the taxable industrial revenue bonds to S&S Quality Meats, LLC not to exceed \$14,000,000.00.

Commissioner Smith made a motion to approve Ordinance 23-19, an ordinance authorizing the issuance of taxable Industrial Revenue Bonds Series 2023 to S&S Quality Meats, LLC not to exceed \$14,000,000.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(2022 Annual Comprehensive Financial Report)**

Michael Keenan, Hood and Associates CPAs, was recognized and addressed the Governing Body. He stated the City of Emporia has contracted with Hood and Associates to conduct an annual audit with generally accepted auditing standards of financial statements. This is the 4th year of a 5-year agreement. He then reviewed the financial and compliance audit for the year ended December 31, 2022. He stated the responsibilities of the firm are to conduct their audit in accordance with generally accepted auditing standards, government auditing standards and uniform guidance. To obtain reasonable, not absolute, assurance that the basic financial statements are free of material misstatement. To report on internal controls over financial reporting and compliance with laws and regulations. As a result of auditing no illegal acts or changes in significant accounting policies occurred. There were no difficulties or disagreement with management and cooperation was achieved with full access to books and records. He stated financial statements are fairly presented in all material respects; there were no deficiencies in internal control to be considered as material weakness; and there were no noncompliance noted with finance-related laws and regulations that govern the City's operations.

Commissioner Harter made a motion to accept the 2022 Annual Comprehensive Financial Report. Commissioner Smith seconded the motion. The vote follows: Commissioner Harter aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Levying of a Transient Guest Tax)
(Convention and Visitors Advisory Board)
(Charter Ordinance Number 43)**

A CHARTER ORDINANCE EXEMPTING THE CITY OF EMPORIA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1697 RELATING TO THE LEVYING OF A TRANSIENT GUEST TAX AND K.S.A. 12-16,101 RELATING TO THE MEMBERSHIP

OF THE CONVENTION AND VISITORS BOARD; AND REPEALING CHARTER ORDINANCE NO. 29, CHARTER ORDINANCE NO. 31, AND CHARTER ORDINANCE NO. 35, to which the City Clerk assigned Charter Ordinance Number 43, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated article 12 § 5 of the Constitution of the State of Kansas empowers cities to pass charter ordinances which exempt cities from non-uniform statutes and acts of the Kansas Legislature. The City of Emporia has previously taken action exempting the City from the provision of K.S.A. 12-1697 and 12-16,101 relating to the Levying of a Transient Guest Tax and Membership of the Convention and Visitors Board in Charter Ordinances 29, 31, and 35, and provided substitute provisions relating to those topics. She stated Charter Ordinance Number 43 will continue to exempt the City from K.S.A. 12-1697 and 12-16,101 and repeal Charter Ordinance Numbers 29, 31, and 35; with provisions that the existing transient guest tax established by Ordinance 16-42 will remain in effect until modified by ordinance and that the CVAB will continue in its current form until modified by ordinance. After Charter Ordinance Number 42 goes into effect, new City Commission action relating to the Transient Guest Tax and Convention and Visitors Advisory Board may be taken by standard ordinance. If Charter Ordinance Number 43 is approved by the required 2/3 majority vote, the ordinance will be published once each week for two consecutive weeks in the official City newspaper and will take effect 61 days after final publication unless a sufficient petition for referendum is filed. She stated staff was recommending approval of Charter Ordinance Number 43.

Commissioner Harter made a motion to approve Charter Ordinance Number 43 relating to the levying of a Transient Guest Tax and membership of the Convention and Visitors Advisory Board. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**CITY MANAGER’S REPORTS
 (Financials & Building Permits)**

This is the time for the City Manager to make comments and reports to the public.

The following is general information for the month of May 2023 for the community:1. Monthly Local Retail Sales Tax Receipts Update

| | | | |
|------------|-----------------------|-----------------------|--|
| | 2022 | 2023 | Increase of \$31,630.43 for the month, and Overall increase of 10.88% from year 2022. |
| | \$518,463.02 | \$550,093.45 | |
| YTD | \$2,413,236.07 | \$2,675,915.00 | |

| | | | |
|------------|----------------------------|-----------------------|--|
| 2. | City Share from County Tax | | Increase of \$41,220.80 for the month, and Overall increase of 14.74% from year 2022. |
| | 2022 | 2023 | |
| | \$ 259,081.65 | \$ 300,302.45 | |
| YTD | \$1,229,809.92 | \$1,411,138.47 | |

3. **Building Permits issued from 5/1/2023 to 5/31/2023 for new construction, remodeling, repairs and demolition.**

| | |
|--|-----------------|
| Total number of building permits issued through Code Services: | 78 |
| Total of valuations associated with those building permits: | \$ 4,428,419.00 |
| Total number of dollars collected for Building Permit Fees: | \$ 18,552.00 |
| | |
| Construct - single family dwellings | 1 |
| Demo - single family dwellings | 1 |
| | |
| Flint Hills Mall CID for May 2023 | \$ 22,256.75 |
| Year to Date Total | \$ 96,696.27 |
| | |
| Pavilions CID for May 2023 | \$ 17,102.24 |
| CID #2 | \$ 2,940.07 |
| Year to Date Total | \$ 51,556.25 |

Consent Agenda

It was moved by Commissioner Smith, seconded by Commissioner Giefer that the Consent Agenda listed below be ratified as a whole:

- a. Minutes of the Regular Meeting held on June 7, 2023.
- b. Lift Station #2 Rehabilitation Change Order No. 1.

The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Commissioner Sauder, aye; and Mayor Brinkman, aye.

CITY COMMISSION (City Manager's Report)

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDAS FOR THE JULY 5, 2023 MEETINGS:

- Hauling and Beneficial Land Application of Biosolids.
- Utility Easement Agreement for 500 Block of Wilson Street for Street Light Installation.
- Change Order for South Arundel for Sanitary Sewer.

Study Session:

- Review the Final Report from Homeless Taskforce.
- Review Outside Appropriation Requests.
- Discussion of Legislative Revisions to the RHID Program and Impact on City Policy.
- Determine RNR Intent.

CITY COMMISSION (Public Comment)

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

EXECUTIVE SESSION

Commissioner Sauder made a motion to recess into Executive Session for preliminary discussion of the acquisition of real property resuming the open meeting in the City Commission Meeting Room this same date, at 11:42 a.m., and to invite Jim Ubert, City Engineer. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Upon reconvening the meeting in Regular Session, at 11:42 a.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had preliminary discussion of the acquisition of real property and no action was taken.

EXECUTIVE SESSION

Commissioner Sauder made a motion to recess into Executive Session to discuss confidential matters of a third party regarding proprietary information projects resuming the open meeting in the City Commission Meeting Room this same date, at 12:16 p.m., and to invite Jim Witt, Special Projects Coordinator, and Jim Ubert, City Engineer. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye. Commissioners Giefer and Harter were not available at the time of the vote.

Upon reconvening the meeting in Regular Session, at 12:16 p.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had discussed confidential matters of a third party regarding proprietary information and no action was taken.

Commissioner Smith made a motion to recess the meeting until 12:30 p.m. to Conference Room 1AB. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye. Commissioners Harter and Sauder were not available at the time of the vote.

The following items were discussed at Study Session:

1. Board Appointment Process Discussion.
2. Review CIP Items.

Commissioner Smith then made a motion to adjourn. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk